

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

**MEMORANDUM OF
DECISION AND ORDER
09-CV-3569 (ADS)(AKT)**

RANKIN INDUSTRIES LTD., dba
ACCURATE PROTECTION SYSTEMS,
MARTIN RANKIN,

Defendants.

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APPEARANCES:

Loretta E. Lynch, United States Attorney Eastern District of New York

Attorneys for the Plaintiff

271 Cadman Plaza East

Brooklyn, NY 11201

By: William Young, Special Assistant United States Attorney

NO APPEARANCES:

Defendants Rankin Industries Ltd and Martin Rankin

SPATT, District Judge.

On August 18, 2009, the United States of America (“the Plaintiff”) commenced this action against defendants Rankin Industries Ltd. and Martin Rankin (“the Defendants”) to collect the amount due from the Defendants on a Small Business Administration promissory note (“the promissory note”) as well as the applicable interest and costs. On May 15, 2010, the Court entered a default judgment against the Defendants and referred this matter to United States Magistrate A. Kathleen Tomlinson for an inquest as to damages, including reasonable attorneys’ fees and costs.

On February 25, 2011, Judge Tomlinson issued a Report and Recommendation that the Court award the Plaintiff the principal amount of the promissory note of

\$473,578.60, plus interest in the amount of \$19,898.06 accrued from April 11, 2007 through May 15, 2010 for a total of \$493,476.66. Judge Tomlinson further recommended that the Court award the plaintiff costs and disbursements in the amount \$320. Finally, Judge Tomlinson recommended that the Court award the plaintiff post-judgment interest, to be calculated and assessed under 28 U.S.C. § 1961. To date, there have been no objections filed to Judge Tomlinson's Report.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. §636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Tomlinson's Report and finds it to be persuasive and without any legal or factual errors.

There being no objection to Judge Tomlinson's Report, it is hereby

ORDERED, that Judge Tomlinson's Report and Recommendation is adopted in its entirety. The Court awards the plaintiff \$473,578.60 constituting the principal owed on the promissory note, \$19,898.06 in accrued interest, and \$320 for costs and disbursements, for a total award of \$493,796.66. In addition, the Court awards the plaintiff post-judgment interest, and it is further

ORDERED, that the Clerk of the Court is directed to enter judgment in favor of the plaintiff in the amount of \$493,796.66 in addition to post-judgment interest to be assessed under 28 U.S.C. § 1961, and it is further

ORDERED, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
March 29, 2011

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge